



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NICOLSON, PAUL C., ET AL) ART UNIT: 1714
SERIAL NO.: 09/262,542) EXAMINER: A. MERRIAM
FILED ON: 03/04/99)
FOR: EXTENDED WEAR)
OPHTHALMIC LENS)

#8 for
09.07.00

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelop addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ann Brayley
(Type or print name of party mailing paper)

Date:

5/10/00

Signature:

Ann Brayley

Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

In accordance with 37 C.F.R. 1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. Copies of these references are enclosed herewith.

This Statement is being filed in accordance with:

37 C.F.R. 1.97(b), wherein an information disclosure statement is considered timely filed if (1) within three months of the filing of a national application, (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or (3) before the mailing date of a first Office action on the merits.

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X 37 C.F.R. 1.97(c), wherein an information disclosure statement shall be considered by the Office if filed after the 37 C.F.R. 1.97(b) time period, but before the mailing date of either: (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, whichever occurs first, provided the statement is accompanied by either a certification or a 37 C.F.R. 1.17(p) fee. **The Commissioner is hereby authorized to charge to Deposit Account No. 19-0134 the \$220 fee required in a 37 C.F.R. 1.17(p) fee.**

Consideration of the foregoing references in relation to this application, including an indication thereof by marking each of the cited references in the column entitled "Examiner's Initial", is respectfully requested.


We wish to call the Examiner's attention that two of the enclosed documents (the *Lai* and *Jones* references) were filed in the parent application (Serial No. 09/108,714, filed 1 Jul 1998). However, they are submitted again out of an abundance of caution because they were submitted in that case subsequent to the date on which this divisional was filed. The "Heiler declaration" was not submitted in the parent case, as it has only recently become part of the public record. While it is questionable whether this document is material to the examination of the present case, it is submitted for the Examiner's determination of its materiality. Submission of this document to the Examiner should not be construed as an admission of its materiality, authenticity, or accuracy. This declaration was produced by a third-party and should not be construed as representing the position of the Applicants.

The Commissioner is hereby authorized to charge fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Ave., Summit, NJ 07901. Please address all telephone calls to the undersigned at the number given below.

Novartis Corporation
Patent & Trademark Department
564 Morris Ave.
Summit, NJ 07901-1027

Respectfully submitted, Date:


Robert J. Gorman, Jr.
Attorney for Applicant
Reg. No. 41,789
678-415-4389 - telephone
678-415-3068 - fax